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performance by the mining boss of the duty imposed by the statute. *Held*, that the defendant is liable. *Antioch Coal Co.* v. *Rockey*, 82 N. E. 76 (Ind.).

For a discussion of the principles involved, see 20 HARV. L. REV. 230.

BANKRUPTCY — DISCHARGE — ASSIGNMENT OF WAGES AS LIEN ON FUTURE EARNINGS. — Wages to be earned in an existing employment were assigned as security for a debt. The assignor received his discharge in bankruptcy. The assignee endeavored to collect wages subsequently earned in the course of the original employment. *Held*, that the assignment operates to transfer to the assignee a potential possession of the future wages, which constitutes a lien and is accordingly preserved by § 67 *d* of the Bankruptcy Act. *Citizens' Loan Ass'n* v. *Boston & Maine R. R. Co.*, 82 N. E. 696 (Mass.). See NOTES, p. 275.

CHATTEL MORTGAGES — RIGHTS OF INTERVENING CREDITORS — PARTIAL SALE OF MORTGAGED STOCK BY MORTGAGOR. — A storekeeper gave a mortgage on his horses, wagons, and stock. The mortgage was duly recorded. Later he became insolvent and was adjudged a bankrupt. He had sold all but $200 worth of the original stock. *Held*, that the mortgagee's lien attaches to the horses and wagons, but not to the remainder of the stock. *In re Davis*, 155 Fed. 671 (Dist. Ct., E. D. N. Y.).

A chattel mortgage giving the mortgagor a power of sale for his own benefit is void, being fraudulent towards creditors as a matter of law. See 19 HARV. L. REV. 557, 570. Among the conflicting decisions this seems to be the better and majority opinion. Under such a mortgage the mortgagee obtains no substantial security. He cannot, therefore, have entered into the transaction to secure himself, and consequently must have acted for the mortgagor. Therefore his intent must have been fraudulent, for to allow the mortgagor to have the full use of property which is forever safe from attachment defrauds his creditors. Evidence of a sale of the stock by the mortgagor for his own benefit justifies the inference of an agreement to that effect outside of the mortgage, rendering it void. *Simmons* v. *Jenkins*, 76 Ill. 479; *Hangen* v. *Hachemeister*, 114 N. Y. 566. But if fraudulent as to the stock, the mortgage is void *in toto*, and it would seem that the mortgagee had lost his lien on the horses and wagons also. *Russell* v. *Wynne*, 37 N. Y. 591.

CONFLICT OF LAWS — PERSONAL JURISDICTION — CONSENT AS BASIS. — The defendant, while residing in Australia, entered into a partnership with the plaintiff for working a gold mine there, but later moved to England. Afterwards the plaintiff brought suit in Australia to dissolve the partnership, and obtained a decree against the defendant for the latter's share of the deficiency which existed after settlement of the partnership accounts. The defendant did not appear in the Australian court, personally or by attorney. The plaintiff now brings action in England on the Australian judgment. *Held*, that since the Australian court was without jurisdiction, its judgment cannot be enforced in England. *Emanuel* v. *Symon*, 24 T. L. R. 85 (Eng., Ct. App., Nov. 15, 1907).

This decision reverses the decision of the lower court, criticized in 20 HARV. L. REV. 323.

CONSTITUTIONAL LAW — DUE PROCESS OF LAW — RIGHT TO HEARING ON TAX ASSESSMENT. — The tax law of Georgia provided that on failure to return taxable property for taxation, though without fraud, taxes should be assessed and collected without a hearing on the question of the validity of the assessment. *Held*, that this system does not afford the due process of law required by the Fourteenth Amendment. *Central of Georgia Ry.* v. *Wright*, 207 U. S. 127.

This case is in accord with the tendency of recent decisions. For a discussion thereof, see 20 HARV. L. REV. 320.

CONSTITUTIONAL LAW — PRIVILEGES AND IMMUNITIES — RIGHT TO SUE IN COURTS OF A FOREIGN STATE. — A citizen of Pennsylvania was killed in that state while in the employ of the defendant company. His widow having acquired a right of action under a Pennsylvania statute, brought suit in Ohio.